

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SimpleAir, Inc., a Texas corporation,

Plaintiff,

vs.

Microsoft Corporation, et al.

Defendants.

CASE NO. 2:11-cv-416 JRG

JURY DEMANDED

**JOINT MOTION TO DISMISS WITHOUT PREJUDICE CLAIMS AND
COUNTERCLAIMS BETWEEN SIMPLEAIR AND SONY**

Plaintiff SimpleAir, Inc. (“SimpleAir”) and Defendant Sony Mobile Communications (USA) (formerly known as Sony Ericsson Mobile Communications) (“Sony”) respectfully move the Court to dismiss without prejudice (1) SimpleAir’s claims against Sony and (2) Sony’s counterclaims against SimpleAir in the above-captioned case.¹ The parties further move that each party shall bear its own costs, expenses, and attorneys’ fees.

Date: August 19, 2013

Respectfully submitted,

By: /s/ Simon Franzini

Simon Franzini

CA State Bar No. 287631

(admitted to practice before the U.S. District
Court for the Eastern District of Texas)

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¹ This motion does not involve the claims and counterclaims between SimpleAir and Defendant Ericsson, Inc..

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**ATTORNEYS FOR PLAINTIFF
SIMPLEAIR, INC.**

/s/ John H. McDowell, Jr. (signed with
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**ATTORNEYS FOR DEFENDANT
SONY MOBILE COMMUNICATIONS
(USA) INC.**

CERTIFICATE OF SERVICE

I hereby certify that the all counsel of record who are deemed to have consented to electronic service are being served this 19th day of August 2013, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Simon Franzini
Simon Franzini